



**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

COMMENTS

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WT DOCKET NO. 01-184

COMMENTS BY TELETRUTH

The ability to take your (wireless or wireline) phone number with you when you move, whether it's down the street or to a competitive provider should be an essential customer right, and not controlled by the phone companies.

Submitted By:

TeleTruth

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STATEMENT OF INTEREST

TeleTruth is a national, independent, broad-based coalition of telecom and broadband residential and business customers, small businesses and large corporations, industry experts and consultants, lawyers, Internet Providers and telco competitors. The organization was created to defend the public interests in telecommunication and broadband issues, educate and inform the public to combat monopoly control of critical telecommunications infrastructure, promote fairness, innovation and competition and accelerate (encourage) the deployment of advanced networks and new forms of communications.

Tom Allibone is the Director of TeleTruth's Auditing Division, Chairman of the New Jersey TeleTruth chapter and president of LTC Consulting, a telecommunications firm that specializes in auditing phone bills for retail and wholesale customers (such as Competitive Local Exchange companies (CLEC)). The company's telephone bill audit service provides a systematic review of all telephone carrier charges and customer service records, including the identification and inspection of billed services and equipment. When discrepancies arise between the services and equipment rendered and billed, a claim is presented to the carrier and a settlement is negotiated. Since 1989, LTC has audited the telecommunications services and bills rendered to hundreds of New Jersey small businesses and discovered over \$10 million in hidden overcharges.

Bruce Kushnick, is Chairman of TeleTruth and Executive Director of New Networks Institute, a market research and consulting firm focusing on telecom and broadband issues for the public interest. In 1992 New Networks Institute, (NNI) was created to investigate, on a totally independent impartial basis, how the break-up of AT&T and the creation of Baby Bells had impacted subscribers. Since that time the Institute has completed the most comprehensive research project ever undertaken, (published by Probe research and Phillips Business Information) helped to initiate Class Action suits in specific states, has filed comments and complaints with the FCC, IRS, and other government agencies in the hopes of creating change that benefit the telephone customer. In 2001, New Networks Institute and TeleTruth associates proposed a new piece of Federal legislation --- the "Broadband Bill of Rights". New Networks is independently funded through research and consulting projects and the sales of books and research reports and surveys.



DISCUSSION

The ability to take your (wireless or wireline) phone number with you when you move, whether it's down the street or to a competitive provider should be an essential customer right, and not controlled by the phone companies.

TeleTruth and its members consider the ability for a customer to take their phone number with them when they switch carriers an essential service that today does not exist for wireless customers. More importantly, customers should have the right to keep their phone numbers when they move across town or to some other location--- not as some favor from the phone company but as an essential service. And as telecommunications lines blur, a customer should also have the right to assign their phone number to whatever service they wish --- be it a wireless or wireline service.

However, today, the phone companies have made it virtually impossible for customers to have any rights in this area.

In 2000, New Networks Institute filed a Petition with the FCC to have total phone number portability. <http://www.newnetworks.com/New%20Portability%20Petition.htm>

The primary reason for this petition is that today the customer has no rights. With 15-20% of the population moving every year, and with the changing landscape of wireless phone services, a customer's phone number or a company's phone numbers are their identity -- which they are forced to replace at great expense.

How ugly does it get for customers? A customer wrote to us that she was moving less than 20 blocks in the middle of Manhattan, NYC, and when she told Verizon she wanted to keep her phone number for her new address, she was quoted "a one-time fee of \$558.00 and a monthly charge of \$96.04 every month." Talk about extortion.

See: <http://www.teletruth.org/About/newsletter/Portabilitynightmare.htm>

This case also pointed out the power the local Bell, Verizon, had over her move, her phone number, as well as the power this control gives Verizon over any competitor who she would choose. Verizon's databases essentially blocked her move to MCI.

The real irony gets even more perverse because the customer is paying a "portability" charge, which violates every true-in-billing law for its definitional obfuscation--- you can't take your phone number even though the charge is defined as "portable". The argument that it is a charge so that a customer can use a competitor is totally without merit since there is virtually no residential competition today.



In our Petition, we wrote

"NNI requests that the Commission mandate that existing "number portability" requirements be expanded to include true geographic portability — that is, to allow a consumer who moves from one place to another to retain his or her existing telephone number — as opposed to the mere "service provider portability" requirement that exists today. This new capability is plainly technically feasible, and would provide substantial benefits and convenience to consumers at very low cost to the telephone industry.

"The only real basis for opposition to this proposal is not technical, but economic. Incumbent local exchange carriers ("ILECs") have historically established a large number of small "local calling areas" or "exchange areas" for the administration of their networks. In the past there was harmony between the technological basis for the establishment of different exchanges — individual switches could only handle so many lines, so different switches handled different exchanges. Moreover, prior to the development of digital transmission technology and the rapidly falling costs of optical fiber transmission, the distance between different exchanges/switches was a material component of the cost of handling a call. All of that has changed as a technical and economic matter. But the ILECs still make billions of dollars collectively on "interexchange" calls that cost little, if anything, more than a call within a given exchange.

"Allowing people who move within a carrier's service territory to keep their telephone number by means of number portability technology would indeed undercut traditional ILEC billing arrangements, in cases where the consumer moves to a new location that is not "local" to the original location. But this minor inconvenience to the ILECs is more than justified by the fact that consumers are paying hundreds of millions, if not billions of dollars for "number portability" arrangements that may someday benefit them when and if local competition becomes a reality for residential customers. Allowing customers to keep their telephone numbers when they make "local" moves, however, would give consumers some benefits right now for the high rates they are paying

"We also argue that the charges for "portability" are "unfair and unreasonable". The Telecommunications Act stipulates that "telecommunications carriers" should be responsible for this charge. Therefore, imposing fees on customers that may never use the service as currently outlined, is not "fair". Also, the addition of new charges that clearly benefits the local phone companies through increased revenues, even though their profit margins for local service have reached new heights, is not "reasonable."

"This Commission has plenary authority over number portability issues under Section 251(b) of the Act. It clearly may order that the number portability database arrangements



that have been established pursuant to federal law, and for which consumers are being assessed a federal charge, must be used for this purpose. To do so would likely require a re-examination of the scope of the term "location" as to which consumers are to be required to keep their existing telephone numbers."

The case of wireless portability is also as laughable as it is frustrating, since by definition a wireless phone can go anywhere --- you just can't take the phone number with you when you want to change providers.

In conclusion, the FCC should make take the side of customers and mandate total number portability -- wireless and wireline, and it should give customers the control over their phone number destiny, not the phone companies.

Sincerely,

Bruce Kushnick, Chairman
TeleTruth